

1 **(4) REMARKS**

2 **(1) FILE HISTORY (EXTENSION OF TERM)**

3 Applicant recognizes and applauds the Office's long ago announced goal of have a normal
4 prosecution take only 18 months. However, this application, under a Grant of Petition to Make
5 Special, has already been pending nearly 24 months without resolution. In view of the Petition
6 grounds, applicant can not overly stress the urgency of this matter. While somewhat premature
7 for determination of term, applicant notes the following file history relevant to said Petition:

8 The present application was filed on **April 11, 2001**.

9 A **Petition to Make Special** was filed by First Class Mail on **June 22, 2001**.

10 A Status Inquiry was filed by applicant on **October 1, 2001**. No response was received.

11 A second Status Inquiry was filed by applicant on **January 22, 2002**. A Status Information was
12 received stating that an "Expected date for action on this application Month: 04, Year 2004" was
13 determined by the Office. Applicant, via the undersigned, then called the Office regarding the
14 Petition, supra, which had apparently not been considered.

15 On **March 25, 2002**, more than **9 months, or approximately 270 days**, after the Petition was
16 filed, the Petition was granted.

17 A first Office Action issued on **May 2, 2002**.

18 Applicant filed an Amendment on **June 13, 2002**.

19 A second Office Action issued on **August 13, 2002**.

20 Applicant filed the above said Reply on **October 1, 2002**.

1 A third, current Office Action issued on **March 25, 2003**, more than 175 days after said Reply.

2 Moreover, as noted above, there is no indication in the present Action that applicant's
3 arguments filed on October 1, 2002, *supra*, have yet been considered. Therefore, applicant
4 continues to be penalized **since March 25th, day-by-day**, with respect to the term of the patent
5 pending.

6 Again, applicant requests earliest possible allowance under the granted Petition to Make
7 Special.

8 (2) RESPONSE TO REJECTION UNDER SEC. 102

9 The Action *inter alia* rejects all claims under Sec. 102 in view of Martin Jr., previously cited. All
10 prior arguments are incorporated herein by reference; see particularly, Exhibit B described
11 hereinafter.

12 Paragraph 3 of the Action states *inter alia*:

13 "3. Therefore, applicant's arguments with respect to claims 1-20 of paper no. 6
14 have been considered but are moot in view of the new ground(s) of rejection."

15 Paragraphs 4-18 set forth various grounds for rejection. Applicant has carefully reviewed para.
16 4-18 of the present Action. Applicant finds them to be a verbatim repetition of para. 1-15 of the
17 previous Office Action mailed on 08/13/2002.

18 On October 1, 2002, along with a now granted Petition for the withdrawal of the designation of
19 the Office Action as "final," applicant filed a "Reply to Office Action and Request for
20 Reconsideration" ("10/1" Reply hereinafter). See EXHIBIT A, POST CARD photocopy,
21 stamped by OIPE. In said 10/1 Reply, applicant provided "REMARKS" fully responding to the
22 cited Martin Jr. reference. A true and correct copy of those REMARKS, pages 2-7 of the prior
23 10/1 Reply, is attached hereto as EXHIBIT B₁₋₆. No responsive comments on these proffered
24 arguments is provided by the Office in the present Action. As no "new ground(s) of rejection"
25 have been stated in the present Action, applicant's prior response cannot be "moot." Thus,
26 consideration of those arguments is hereby again requested.

1 (3) PTO 1449

2 Applicant again requests a sign-off and a return copy on the attached PTO-1449 submitted May
3 1, 2002, EXHIBIT C₁₋₃ hereto. A return facsimile transmission to the undersigned at 425-640-
4 0525 is respectfully requested.

5 (4) SUMMARY AND CONCLUSION

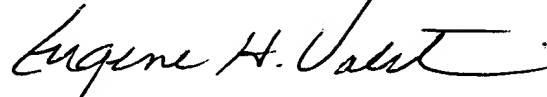
6 With respect to the Martin Jr. reference relied upon for all rejections, applicant has more than
7 adequately demonstrated in the prior and attached REMARKS, EXHIBIT B, that (1) the prior
8 amended claims, in particular the independent claims, contain limitations not found anywhere in
9 the Martin Jr. reference; therefore, by definition, the reference fails under Sec. 102; (2) the
10 technology of Martin Jr. for use of an *ATM machine to pay bills* does not pertain to the present
11 inventions novel and non-obvious concepts regarding technology associated with *real estate*
12 *purchase-and-sale*; (3) Martin Jr. would not even work in accordance with the present invention,
13 and (4) in that sense, Martin Jr. is not even analogous art. It is respectfully requested that all
14 rejections be withdrawn.

15 Based upon the foregoing, it is submitted that the amended application *clearly and effectively*
16 presents claims which are directed to novel, unobvious and distinct features of the present
17 invention which are an advancement to the state of the art. Reconsideration and allowance of
18 all claims is respectfully requested. The right is expressly reserved to reassert any and all
19 arguments, including the raising of new arguments, should a Notice of Allowance not be
20 forthcoming.

1 Questions or suggestions that will advance the case to allowance may be directed to the
2 undersigned by teleconference at the Examiner's convenience.

3 Date: 31 MAR 2003
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Respectfully submitted,
C. Richard Triola, by



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